

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

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TREY GRANGER, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

MICHAEL A. KENNEDY)
Plaintiff,)
v.) CASE NO. 3:22-CV-645-ECM-JTA
STATE OF ALABAMA)
DEPARTMENT OF)
TRANSPORTATION,)
Defendant.)

AMENDED COMPLAINT AS ORDERED ON APRIL 26,2023

Pursuant to court order dated April 26,2023 by MAGISTRATE JUDGE JERUSHA T. ADAMS (Document 29), PLAINTIFF MICHAEL A. KENNEDY hereby submit the following:

1. PLAINTIFF MICHAEL A. KENNEDY submits Amended Complaint as ordered by this Honorable Court on April 26,2023. Deadline ordered on or before May 18,2023.

Michael Kennedy *5-18-23* *2308 Nail Court* *Phenix City, AL 36869* *(334)614-2632*
(signature & Date) PRO SE (address) (phone Number)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**
Eastern DIVISION

Michael A. Kennedy

PLAINTIFF

v.

CASE ACTION NO.: 3:22-CV-645-RAH-JTA

State of Alabama

Department of Transportation

JURY DEMAND (MARK ONE)

☒ YES ☐ NO

DEFENDANT

EEOC COMPLAINT

1. Plaintiff resides at 2308 Nail Court, Phenix City, Alabama 36869

2. Defendant(s)' name(s) State of Alabama Department of Transportation

Location of principal office(s) of the named defendant(s) _____
1409 Coliseum Blvd, Montgomery, Alabama 36110

Nature of defendant(s)' business State Agency overseeing construction and maintenance of highway system throughout the state.

Approximate number of individuals employed by defendant(s) 4,000

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 §2000e-5(g).
4. The acts complained of in this suit concern:
 1. ☐ Failure to employ me.
 2. ☐ Termination of my employment.
 3. ☐ Failure to promote me.
 4. ☒ Other acts as specified below: Discrimination acts in violating rights under Title VII Equal Employment Opportunity Laws against Discrimination and Retaliation, Discriminating acts violating rights under Family and Leave Act (FMLA) and Discriminating acts violating rights under Americans with Disabilities Act (ADA)

5. Plaintiff is:

A. ☒ Presently employed by the defendant.
☐ Not presently employed by the defendant. The dates of employment were _____
 Employment was terminated because: _____

- (1) _____ Plaintiff was discharged.
 (2) _____ Plaintiff was laid off.
 (3) _____ Plaintiff left job voluntarily.

6. Defendant(s)' conduct is discriminatory with respect to the following:

- A. _____ My race.
 B. _____ My religion.
 C. _____ My sex.
 D. _____ My national origin.
 E. ☒ Other, as specified below: Protected medical conditions

7. The name(s), race, sex, and the position or title of the individual(s) who allegedly discriminated against me during the period of my employment with the defendant company is (are) Taylor Oliver, white, male, Project Manager/ Rebekah Crawford, white, female, District Manager/ Wes Fulmer, white, male, Construction Engineer /

Sheri Ellis, white, female, Assistant Region Engineer/ Steve Graben, white, male, Region Manager/ Undrea Campbell, black, female, Region EEO/

Phillip McIntosh, white, male, Personnel Director/ Stephanie Henderson, white, female, FMLA Coordinator/ Alabama State Legal Department / Et Al

8. The alleged discrimination occurred on or about October 25, 2021.

9. The nature of my complaint, i.e., the manner in which the individual(s) named above discriminated against me in terms of the conditions of my employment, is as follows:

*** SEE ATTACHED STATEMENT***

10. The alleged illegal activity took place at District 66 office in Salem, Alabama and the project office currently located in Opelika, Alabama

11. I filed charges with the Equal Employment Opportunity Commission regarding defendant(s)' alleged discriminatory conduct on or about April 22, 2022.
I have attached a copy of the Notice-of-Right-to-Sue letter issued by the Equal Employment Opportunity Commission. The letter was received by me on August 2, 2022.
12. I seek the following relief:
- A. ☒ Recovery of back pay.
- B. ☒ Reinstatement to my former job, and any other relief as may be appropriate, including injunctive orders, damages, costs, and attorneys fees.

Date: November 2, 2022



Signature of Plaintiff

2308 Nail Court, Phenix City, AL. 36869
334-614-2632

Address & Telephone Number of Plaintiff

Enclosure with EEOC Notice of Closure and Rights (01/22)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Birmingham District Office
1130 22nd Street South, Suite 2000
Birmingham, AL 35205
Intake Information Group: 800-669-4000
Intake Information Group TTY: 800-669-6820
Birmingham Direct Dial: (205) 651-7020
FAX (205) 212-2105
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 08/05/2022

To: Michael Kennedy
2308 Nail Court
Phenix City, AL 36869

Charge No: 420-2022-01783
EEOC Representative and email:

RICHARD MUSGRAVE
Federal Investigator
richard.musgrave@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 420-2022-01783.

On behalf of the Commission,

MICHAEL COCHRAN Digitally signed by MICHAEL COCHRAN
Date: 2022.08.05 13:27:30 -05'00'

for Bradley A. Anderson
District Director

CERTIFICATE OF SERVICE

I hereby certify that on 5-18-23, I filed the foregoing with the Clerk of Court.

I will send notification by electronic mail to the following:

Christina Ann Coan

Alabama Dept of Transportation
1409 Coliseum Blvd
Montgomery, AL 36110
334-424-6350
Fax: 334-264-4359
Email: coanc@dot.state.al.us

Kaasha Danielle Benjamin Griffin

Alabama Dept of Transportation
1409 Coliseum Blvd
Montgomery, AL 36110
334-424-6350
Fax: 334-264-4359
Email: griffink@dot.state.al.us

Steven Anthony Higgins

Alabama Dept of Transportation
1409 Coliseum Blvd
Montgomery, AL 36110
334-424-6350
Fax: 334-264-4359
Email: higginss@dot.state.al.us

William Franklin Patty

Alabama Dept of Transportation
1409 Coliseum Blvd
Montgomery, AL 36110
334-424-6350
Fax: 334-264-4359
Email: pattyw@dot.state.al.us

Michael A. Kennedy
Pro Se

Michael Kennedy

Date

5-18-23